

EXHIBIT 10

Excerpts from Deposition Transcript of James W. Dean, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

DEPOSITION
OF
JIM DEAN

THIS DEPOSITION CONTAINS CONFIDENTIAL AND
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

06-23-17
9:03 A.M.

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1 (CONTINUATION OF TESTIMONY)

2 Q. Do you know whether the information in
3 those reports is otherwise being, you know,
4 reported or distributed on an annual basis at the
5 university?

6 A. Then or now?

7 Q. Now.

8 A. There's probably some overlap between
9 the information that was in those reports and what
10 is on our Carolina Metrics website.

11 Q. And what is the Carolina Metrics
12 website?

13 A. When I came in as provost, I felt that
14 there was no one place that people could go to to
15 understand the academic performance of the
16 university, and so I worked with colleagues for
17 over a year to create that, and that website
18 exists.

19 Q. And did you have input -- on on what
20 information was actually included in the Carolina
21 Metrics site?

22 A. Yes.

23 Q. Did you have -- was that your final
24 decision?

25 A. On the ground, the work was done by Ron

1 Strauss, executive vice provost, and Lynn
2 Williford, the director of institutional research,
3 with input from me and input from a number of
4 other people. So it was kind of a joint product,
5 I suppose.

6 Q. Is there information on the Carolina
7 Metrics website about racial diversity on campus?

8 A. Yes.

9 MR. SCUDDER: Object to the form.

10 Q. (Mr. Strawbridge) And do you know what
11 information that is?

12 A. Yeah. We have information on the
13 percentage of various underrepresented minorities
14 in the student body as well as in within the
15 faculty, so not staff so much, because it's really
16 academic.

17 And then there's also some information
18 about people's perceptions around diversity in
19 terms of how it -- how it relates to inclusion and
20 feeling part of the community and those kinds of
21 things. So there's both some objective
22 information and there's some subjective
23 information.

24 Q. Starting with the objective information,
25 you said "underrepresented minorities."

1 MR. SCUDDER: Objection to the
2 form.

3 A. Well, of course, this -- this document
4 isn't meant as a defense of race in the admissions
5 process. It talks about diversity very broadly,
6 including multiple dimensions.

7 And in this particular section I don't
8 know that it's trying to connect the robust
9 exchange of ideas to a particular admissions
10 practice. What it's saying is that if we have a
11 diverse community, we think that it promotes the
12 robust exchange of ideas.

13 So that's just background, but -- so I'm
14 still willing to answer the question within that
15 context. So the question was how does using race
16 in the admissions practice promote the robust
17 exchange of ideas? Did I get that right?

18 Q. Yes.

19 A. I think that it -- to the extent that we
20 use race as one of many factors, it probably
21 promotes a wider range of ideas within the
22 university community.

23 Q. And -- and why do you think that is?
24 Why do you think that race is -- is inherently
25 associated with -- with particular or -- or

1 A. That's correct.

2 Q. The next one is "Broadening and refining
3 understanding," and this -- this again also says
4 "discussion and dialogue with classmates,
5 professors, and colleagues of different beliefs,
6 backgrounds, preferences, cultures, races,
7 ethnicities, and the like . . . inform, modify,
8 and expand our own understandings, opinions, and
9 visions."

10 Is that -- that's what it says, right?

11 A. Correct.

12 Q. And -- and, again, I guess I have the
13 same -- the same question. Are you -- are you
14 able to say specifically how discussion and
15 dialogue with classmates of different races
16 necessarily broadens and refines understanding?

17 A. I would say that any difference -- this
18 document lists a number of them -- probably
19 increases the probability that there will be some
20 level of indifference there.

21 Q. And is there any effort to measure at
22 the university, to your awareness, how -- how --
23 to quantify either how often or just the amount of
24 these interactions that take place on campus?

25 A. Well, we've -- we've initiated something

1 called Carolina Conversations, which is intended
2 to both assess and to stimulate these kinds of
3 conversations, and we certainly count and report
4 the number of conversations that have taken place
5 within that, so yes.

6 Q. Has there been any effort in the -- in
7 the Carolina Conversations process to identify the
8 relative racial distributions of people who
9 participate in the conversations?

10 A. I don't know.

11 Q. And are you able to say whether there's
12 any particular level of racial diversity that's
13 necessary to gain the benefits of the broadening
14 and refining of understanding?

15 A. No.

16 Q. And is this something that could be
17 measured, in your view?

18 A. Yes.

19 Q. And how would you measure it?

20 A. So just to be clear, you're asking me
21 what a what a study would look like to assess
22 this?

23 Q. Yeah. How would you go about measuring
24 the extent to which understandings have been
25 broadened in particular because of race of the

1 admissions process, the university will continue
2 to take all efforts it can to achieve racial
3 diversity on campus?

4 A. Again, it's a hypothetical. I
5 would expect so.

6 Q. And I'm not trying to get you to repeat
7 your prior testimony, but just to wrap that up,
8 you don't -- you're not aware of any particular
9 level of racial diversity that is or is not
10 essential to meet the various benefits described
11 in this report?

12 A. That's correct.

13 Q. What is your -- what is your
14 understanding of -- of the reason why the
15 university uses race in the admissions process?

16 A. My understanding is that we believe that
17 using race as one factor among many in a holistic
18 admissions process will increase the diversity of
19 people on campus and therefore help to better
20 educate all of our students and prepare them for
21 the world to which they will be going out.

22 Q. And have you ever heard the term
23 "critical mass"?

24 A. I have.

25 Q. Does this report talk about critical